

**WEST VALLEY CITY, UTAH**

**ORDINANCE NO. \_\_\_\_\_**

Draft Date: 1/11/2010  
Date Adopted: \_\_\_\_\_  
Date Effective: \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 7-20-101, 7-20-102, AND 7-28-106 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ENABLE THE COMMUNITY PRESERVATION DEPARTMENT TO ENFORCE THE PROVISIONS OF TITLE 7.**

**WHEREAS**, the enforcement chapter of Title 7 requires revision to reflect the creation of the Community Preservation Department and to enable the Community Preservation Department to enforce Title 7 provisions; and

**WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Sections 7-20-101, 7-20-102, and 7-28-106 of Title 7 of the West Valley City Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City, Utah, as follows:

**Section 1. Repealer.** Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

**Section 2. Amendment.** Sections 7-20-101, 7-20-102 and 7-28-106 of Title 7 of the West Valley City Municipal Code are hereby amended as follows:

**7-20-101. ENFORCEMENT RESPONSIBILITY.**

The Community and Economic Development Department ~~and the Community Preservation Department~~ ~~are~~ is charged with the enforcement of this Title.

**7-20-102. POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT.**

The Community and Economic Development Department is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this Title, provided however, that no such inspection shall be required as a condition precedent to commencement on continuation of any construction, modification or repair of building or structure.

The Community and Economic Development Department ~~and the Community Preservation Department~~ shall enforce all of the provisions of this Title, employing all legal means available to do so. The Directors may designate any employee as an enforcement official. Any employee designated as an enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the City Code, any applicable state codes, or any conditions imposed by the Planning Commission, Board of Adjustment or the Planning and Zoning Division are being obeyed and to make any examinations and surveys as may be necessary in the performance of the employee's enforcement duties. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon probable cause. If the property owner or person responsible for the property refuses to allow the employee to enter the property, the employee shall obtain and execute a search warrant.

**7-28-106. ENFORCEMENT AND PENALTY FOR VIOLATIONS.**

- (1) Enforcement Authority. The West Valley City Code Enforcement Director and other employees of the Code Enforcement Division of the Community ~~Preservation and Economic Development~~ Department are authorized to enforce all provisions of this Chapter.
- (2) Violation of this Chapter. The consumer who violates any provisions of this Chapter shall be issued a written notice of violation. The written notice shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation and its corrections. Such notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. Failure to receive such notice shall not invalidate further actions by the City. If the order is not complied with, the City may issue fines and/or a class "C" misdemeanor citation.

**Section 4. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 5. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER